



9100 DAE 1653

Box 500

PATENT

Customer Number 22,852
Attorney Docket No. 07206.0021-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

George Tuszynski, et al.

Serial No.: To be assigned
(Divisional of 09/197,770)

Filed: October 3, 2001

For: RETROINVERSO
POLYPEPTIDES THAT MIMIC
OR INHIBIT
THROMBOSPONDIN

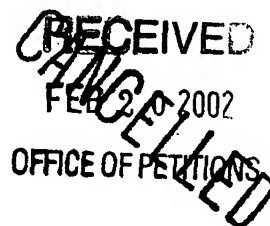
ATTN: Office of Petitions

Group Art Unit: To be assigned
(prior appln.: 1653)

Examiner: To be assigned
(prior appln.: A. Daveport)

Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

Sir:



PETITION UNDER 37 C.F.R. § 1.53(e)

Pursuant to 37 C.F.R. § 1.53(e), Applicants hereby petition for the attached papers to be given the filing date of October 3, 2001.

On October 3, 2001, Applicant filed a request for a Divisional Application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/197,770, by Taffy Williams, George Tuszynski, and Paul Actor, for "RETROINVERSO POLYPEPTIDES THAT MIMIC OR INHIBIT THROMBOSPONDIN." This request for a Divisional Application was filed with a complete copy of the prior application (Serial No. 09/197,770), including the Oath or Declaration and drawings, as originally filed. This submission also included a substitute paper copy and computer readable form of the sequence listing, and a statement supporting the submission of the substitute sequence

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listing. The divisional application was filed without the filing fee. Applicants solicited a "Notice to File Missing Parts of Application," in order to pay the required filing fee.

To date, Applicants have not received an Official Filing Receipt or a Notice to File Missing Parts of Application. On January 15, 2002, Applicant's representative contacted the U.S. Patent Office to inquire as to why an Official Filing Receipt had not yet been received. Several personnel at the Patent Office indicated that there was no record of this Divisional Application in the Patent Office's computer system.

As evidence that the application was filed, Applicant encloses herewith a copy of the postcard, date-stamped by the Patent Office, listing all of the papers that were received by the Patent Office on October 3, 2001. As it appears that the Patent Office has misplaced these papers, Applicant encloses another copy of the application papers filed on October 3, 2001.

Applicant hereby petitions the Patent Office to accept the enclosed papers, accord them a filing date of October 3, 2001, and assign the application a serial number. Applicants also enclose with this filing an Information Disclosure Statement, which was not previously filed.

Applicant authorizes the Commissioner to deduct or credit any fees in connection with the filing of this petition to our Deposit Account No. 06-0916. However, as this petition was necessitated due to an error by the Patent Office, Applicant requests a refund of any petition fees.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

M. Todd Rands
Reg. No. 46,249

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Dated: January 18, 2002

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